



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JAN 20 2010

Ms. L'Oreal Stepney, P.E., Deputy Director
Office of Water (MC-158)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Dear Ms. Stepney:

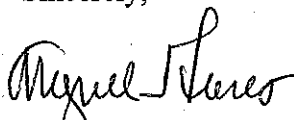
The Environmental Protection Agency (EPA) has completed its review of the Texas Commission on Environmental Quality's (TCEQ) request for approval of site-specific copper criteria for a portion of an unclassified water body and a portion of segment 1014 – Buffalo Bayou above Tidal in Harris County. As required by 40 CFR §131.20, the request was originally submitted to EPA for review and approval by letter dated February 25, 2008. In response to the original request, EPA informed the TCEQ, by letter dated June 8, 2009, that site-specific criteria for copper are approvable. However, EPA could not take a formal approval action at that time, as the public participation requirements found at 40 CFR Part 25 had not been fulfilled for this site-specific water quality standards revision. TCEQ recently completed these public participation requirements through the public notice on the proposed permit for the Cinco Municipality Utility District's facility (Texas Pollutant Discharge Elimination System Permit No.13558). No comments were received on the site-specific copper criteria.

Based on the water effect ratio (WER) study performed, the 2000 TX WQS statewide criteria for dissolved copper, and the resulting WER of 7.26, site-specific criteria of 56.4 ug/L (acute) and 40.8 ug/L (chronic) have been demonstrated as appropriate to protect aquatic life and are approved for Clean Water Act purposes. The site-specific criteria are only applicable to the discharge from outfall 001 at this facility and will be incorporated into Appendix E of the TX WQS at the time of the next triennial revision. The statewide criteria in Table 1 of the 2000 TX WQS apply to the remaining areas of the unclassified water body (Willow Fork Drainage District Lateral Ditch VA1) and to segment 1014. The limited aquatic life use for Buffalo Bayou above Tidal has not been revised.

The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." EPA has determined that approval of the site-specific copper criteria will have no effect on federally-listed threatened and endangered species or on critical habitat.

If you should have any questions, please call me at (214) 665-7101 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,

A handwritten signature in black ink, appearing to read "Miguel I. Flores". The signature is fluid and cursive, with the first name "Miguel" being more prominent.

Miguel I. Flores

Director

Water Quality Protection Division

cc: Debbie Miller, TCEQ - Water Quality Standards Group (MC-203)
Mike Pfeil, TCEQ - Water Quality Assessment Section (MC-150)
David Akoma, TCEQ - Wastewater Permitting Section (MC-148)